

HOUSE BILL 1064

By Curcio

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 12; Title 40; Title 41, Chapter 4; Title 41, Chapter 8; Title 49, Chapter 11; Title 49, Chapter 8; Title 55, Chapter 50 and Section 62-76-104, relative to offender reentry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

(a) In any proceeding on a claim against a landlord for negligence in renting, leasing, or otherwise extending housing opportunities to a person who has been previously convicted of a criminal offense, a landlord is not liable based solely upon the fact that the person has been previously convicted of a criminal offense.

(b) In a cause of action against a landlord for negligence in renting, leasing, or otherwise extending housing opportunities to a person who has been previously convicted of a criminal offense, evidence that the person has been previously convicted of a criminal offense is not admissible.

(c) Subsections (a) and (b) do not apply when:

(1)

(A) The landlord knew or reasonably should have known of the person's prior conviction for a criminal offense; and

(B) The person was previously convicted of a violent offense, as defined in § 40-35-120(b) or a violent sexual offense, as defined in § 40-39-202; or

(2)

(A) The person, after renting, leasing, or otherwise accepting housing opportunities, subsequently demonstrates that the person poses a danger to the community or is convicted of a felony;

(B) The person is allowed to continue renting, leasing, or otherwise using housing opportunities after the demonstration of danger or the conviction of a felony;

(C) The plaintiff proves by a preponderance of the evidence that the landlord had actual knowledge that the person was dangerous or had been convicted of a felony; and

(D) The landlord, after having actual knowledge of the person's demonstration of danger or conviction of a felony, was willful in allowing the person to continue to rent, lease, or otherwise use housing opportunities.

(d) This section does not create a cause of action or expand an existing cause of action.

(e) The provisions of § 1-3-119 relative to implied rights of action apply to this section.

(f) As used in this subsection, "landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which the unit is a part, and the manager of the premises.

SECTION 2. This act shall take effect July 1, 2021, the public welfare requiring it.